UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/Q/MEX/1
30 December 1998

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS
Pre-sessional working group
7-11 December 1998

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the third periodic report of Mexico concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.18)

Priority concern: The question of Chiapas

1. Please provide information on the stage reached in attempts to resume talks between the Government of Mexico and the leadership of the Zapatista National Liberation Army (EZLN). To what extent has the suspension of talks affected the implementation of economic, social and cultural rights in that part of the country?

2. Please provide information on the ethnic, cultural, social and economic aspects of the conflict so it can be assessed.

3. Information from various sources ascribes the root causes of the conflict in Chiapas to the fact that the ethnic groups in that part of the country have been excluded or hindered from participating in development plans or in the benefits of development. To what extent does this view reflect reality?

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4. The Committee would appreciate information and statistics so as to be able to assess not only the real magnitude of the Chiapas problem, but also what concrete efforts the Government has made to improve the economic, social and cultural rights situation in that part of the country.

5. What are the chief difficulties encountered by the Federal Government in resolving this internal conflict? In the meantime, has any government body been entrusted with the task of monitoring respect for human rights in general and for economic, social and cultural rights in particular?

6. What obstacles prevent social, economic and cultural development projects from being carried out in the conflict zone pending the resumption of talks and a comprehensive solution?

7. According to certain sources, the conflict in Chiapas has thus far resulted in many deaths and the displacement of 20,000 families. Please provide up-to-date figures on the number of camps, displaced families, human casualties, disease and other consequences since the start of the conflict.

8. How many indigenous Guatemalan refugees are there in Chiapas? What is their legal status?

I. GENERAL INFORMATION

9. Please indicate whether the Covenant may be invoked before Mexican courts and whether there is any jurisprudence at the national or State level in this respect.

10. Please indicate if the Government of Mexico has acted on the Committee's concluding observations on the second periodic report of Mexico (E/C.12/1993/16).

11. Please explain what the Government's position is with respect to the approval of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

12. To what extent have non-governmental organizations participated in the preparation of the report?

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2. Non-discrimination

13. What are the measures taken by the State party to ensure an equal distribution of wealth in the country and that the disparities in the enjoyment and enforcement of the Covenant rights between the different regions of Mexico do not result in differential treatment between men and women, between indigenous populations, minorities, and other groups of the population and between rural children, children belonging to minorities or indigenous groups and other children.

14. What are the steps taken so that members of indigenous groups enjoy the right to equal treatment before the courts, specially the right to express themselves in their own languages in the course of court proceedings.

Article 3. Equality of men and women

15. Please indicate whether men and women have fully achieved equal rights under civil, family, commercial, labour and criminal law in Mexico.

III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. The right to work

16. What is the current minimum wage? Are these levels sufficient to maintain an adequate standard of living?

17. The National Minimum Wages Commission (CNSM) sets wage levels every year. Is the system index-linked in such a way as to ensure that increases represent real rises in relation to the rise in the cost of living and the depreciation of the currency?

18. Since wage inequality between men and women exists, what steps has the Government taken to eliminate this form of discrimination against working women?

Article 7. The right to just and favourable conditions of work

19. Please provide the committee with information on the Federal Regulations on Safety, Hygiene and the Working Environment which entered into force in January 1997.

20. What is the minimum working age? Why has the State party not ratified any of the ILO conventions in respect of minimum working age? What is the State party's legislation in respect of child labour? Are there any differences in minimum working age between men and women based on grounds of gender?

21. Please describe any measures the Government has taken to guarantee the labour rights of those employed in the informal sector.

22. What steps has the Federal Government taken to establish appropriate, non-discriminatory working conditions for the disabled?

Article 8. Trade union rights

23. Is there any group or national confederation that acts as an umbrella organization for indigenous workers' groups, particularly in the defence and protection of their trade union rights?

24. Under current legislation, all workers have the right to join an appropriate union. However, after applying for and obtaining membership, they may not leave "unless they are expelled" (paragraph 144 of the report). Please explain how this practice can be said not to run counter to the principle of free association.

25. Can workers covered by the Federal State Workers Act (LFTSE) exercise the right to strike?

Article 9. The right to social security

26. What other social benefits exist for the unemployed, other than those provided for in the Act governing the Mexican Social Security Institute?

27. Please explain how the State federal social security system works in Mexico and how its privatization has affected the most vulnerable group of society.

Article 10. Protection of the family, mothers and children

28. Does Mexican law recognize common-law marriage on the same terms as legal marriage, in particular with regard to the rights of the woman and of any children of the union?

29. Can the State party indicate whether the recommendations, if any, of the National Human Rights Commission regarding improved protection of the rights of women and children have been implemented?

30. Apart from cultural patterns that militate against equal treatment for women, what are the chief causes of violence against women and children in the home? Please provide statistical information in this respect.

31. What are the corrective measures taken by the State party to tackle the problem of abandoned children, street children, children belonging to minorities and indigenous populations, children living in difficult circumstances, illegally employed children, and children who are denied protection under the Covenant and are prone to criminality, drug addiction and sexual exploitation?

32. What measures have been taken to control prostitution and to prevent forced prostitution and exploitation of women?

Article 11. The right to an adequate standard of living

33. In the light of the evidence suggesting that half the population of Mexico lives in conditions of poverty, with 20 per cent living in extreme poverty in rural areas, what are the steps taken by the State party to address this problem?

34. The 6 January 1992 reform of article 27 of the Constitution provides for the protection of all land belonging to indigenous groups (paragraph 38 of the report). What requirements and conditions have to be met for that protection to be provided in practice? What has been the experience in implementing this in, for example, the States of Chiapas, Guerrero and Oxaca?

35. What measures has the Federal Government devised to stem the considerable outflow of illegal Mexican migrants in search of better living conditions, specially towards the country's northern border? What social assistance is given to individuals or family groups who are turned back at the frontier?

36. Is the memorandum of understanding between Mexico and Canada on sending Mexican farm workers to Canada still in force (paragraph 70 of the report)? What are the relative conditions of application and what basic criteria are used in selecting the workers for temporary emigration? Is there any intention of negotiating a similar instrument with the United States of America?

37. The national shortfall in housing as of 1995 was 4.6 million units (paragraph 295 of the report). The current figure is 8 million. What policies has the Federal Government adopted in an effort to remedy the situation? Is there a national home construction plan? What are the measures taken by the State party to address the problems of homelessness and forced evictions?

Article 12. The right to health

38. What exactly is meant by the statement that the decentralization of Ministry of Health services responds to the need to base the health care system "more on functions than on social groups" (paragraph 11 of the report)? Would not such a system neglect care of the least favoured social groups, for the sake of decentralization?

39. According to the 1998 National Nutrition Survey, 41.9 per cent of under-fives, which means a total of 4 million children, exhibit some form of malnutrition (paragraph 277 of the report). What concrete measures has the Federal Government adopted to deal with these significant child malnutrition rates, and with what results?

40. Please provide up-to-date statistics on the levels of consumption of alcoholic drinks and banned drugs.

41. The written report gives very little information on AIDS. Please, therefore, provide further information, including the number of patients, projections for the disease, medical care, etc. What steps have been taken to protect those suffering from HIV/AIDS against discrimination in the areas of health, employment, education and housing?

42. What measures has the Mexican Government adopted with a view to ensuring effective protection of the right to health of the elderly and very old?

43. In view of the very significant proportion of the Mexican population living in the federal capital, which is seriously affected by urban pollution, please provide figures on the real impact of pollution on residents' health. What steps has the central Government taken to remedy this situation, which seriously affects the health of the population?

Articles 13 and 14. The right to education

44. What measures has the Government taken to aid parents to comply with their constitutional obligation to ensure that their children under the age of 15 attend either private or public schools?

45. Please indicate the current illiteracy rate as compared with that of previous years. According to the adult education and work training section of the National Development Plan 1995-2000, the intention is to make significant progress by the year 2000 (report, paragraph 425). What does this strategy involve?

46. Please indicate, broken down by States, the current school absenteeism rate and government measures to combat it.

47. How many indigenous languages are there in Mexico? In which cases and under what conditions is education given in each of them?

Article 15. The right to take part in cultural life

48. Please indicate how many ethnic groups there are in the country and to what extent they are truly integrated into society, particularly in terms of the enjoyment of cultural rights.

49. Is there a specific central government body responsible for encouraging the integration of the different groups at the national level and their effective access to the benefits of the "national" culture, as the term is defined by the State party (paragraphs 500ff of the report)?

50. To what extent have economic adjustment measures affected the budget allocated to cultural activities, including access to science and technology?

51. Are there any kinds of subsidies or other benefits that facilitate access to culture by lower-income groups and disadvantaged groups and minorities in general?

IV. GENERAL CONSIDERATIONS

Progress achieved with regard to the situation described in previous periodic reports of the State party

52. Please indicate the progress made by the State party in overcoming the difficulties which impeded the implementation of the Covenant, and in adopting the recommendations highlighted in the Committee's review of Mexico's earlier reports.